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Notice of Allowability	Application No.	Applicant(s)	
	10/687,566	OSORIO ET AL.	
	Examiner	Art Unit	
	John H. Le	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/14/2005.
2. ☒ The allowed claim(s) is/are 1-22, 24-30, 35, 36, 42-45 and 50-63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/23/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

Response to Amendment

1. Applicant's amendment filed 09/14/2005 has been entered and carefully considered.

Claims 42 and 60 have been amended.

Claims 23, 31-34, 37-41, 46-49 have been cancelled.

Claims 61-63 have been added.

Information Disclosure Statement

2. The information disclosure statement filed 11/23/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because reference number 3 on sheet number 4 (Gotman, J., "Seizure Recognition and Analysis") does not have date. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The applicant has been amended as follows:

In the Specification:

Page 1, line 1, inserted --This application claims priority from PCT/US03/32941 filed on October 15, 2003--.

In the Abstract:

In the abstract on line 4, "comprises a first clock and a second clock" has been changed to --includes a first clock and a second clock--.

Reasons for Allowance

4. Claims 1-22, 24-30, 35-36, 42-45, 50-63 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Please see the previous office action and applicant's argument filed on 09/14/2005.

Regarding claim 1, none of the prior art of record teaches or suggests the combination of a method for synchronizing a plurality of clocks, the a plurality of clocks comprising a first clock and a second clock, wherein the method comprising steps of wherein at least one of receiving a selected time associated with the second clock, the selected time different than a reference time that is associated with the first clock, wherein at least the first clock or the second clock is associated with a medical device system; determining when the reference time equals the selected time; setting the second clock to the selected time. It is these limitations as they are claimed in the

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combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claim 42, none of the prior art of record teaches or suggests the combination of system for synchronizing a plurality of clocks in a medical device system, the medical device system providing treatment to a patient with a nervous system disorder, the plurality of clocks comprising a first clock and a second clock, wherein the system comprising: a processor that is connected to the user interface in order to receive an instruction from a user, the processor connected to the memory and configured to instructs the second clock through the communications interface, the processor further configured to perform: receiving a selected time associated with the second clock, the selected time different than a reference time that is associated with the first clock, and setting the second clock to the selected time so as to synchronize the first and second clock. It is these limitations as they are claimed in the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claim 54, none of the prior art of record teaches or suggests the combination of a method for synchronizing a first clock, a second clock, wherein the method comprising: receiving a selected time in a programmer, the programmer associated with the first clock; setting the first clock to the selected time; and providing a control message to the second clock from the programmer, the second clock associated with a medical device, wherein the providing of the control message synchronizes the time on the first clock and the second clock. It is these limitations as they are claimed in

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the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claim 60, none of the prior art of record teaches or suggests the combination of a method for synchronizing a first clock, a second clock, and third clock, wherein the method comprising: receiving a selected time in a programmer from a first medical device, the programmer associated with the first clock and the first medical device associated with the second clock; setting the first clock to the selected time; and providing a control message to the third clock from the programmer, the third clock associated with a second medical device, wherein the providing of the control message synchronizes the time on the first clock, second clock, and the third clock. It is these limitations as they are claimed in the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H. Le whose telephone number is 571 272 2275. The examiner can normally be reached on 9:00 - 5:30.

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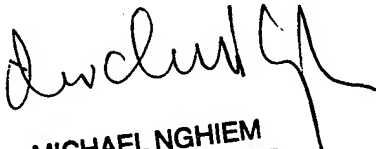
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571 272 2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

October 21, 2005


MICHAEL NGHIEM
PRIMARY EXAMINER